

**Amendment and Response**  
Serial No.: 10/730,843

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### **REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed Oct. 10, 2006. In that Office Action, the Examiner rejected claims 6-8, 10, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Wu et al. (U.S. Patent No. 6,617,011). Claims 6-8 were rejected and claims 9 and 12 were objected to.

With this Response, claims 6, 9, 10, and 12 have been amended. The amendments have basis in the original application and claims. Claims 1-5 have been withdrawn as being drawn to a nonelected invention. Applicant reserves the right to file a continuing application for examination of such claims. Claims 8 and 11 have been cancelled. Claims 6-7, 9, 10, 12, and 13 remain pending in the application and are presented for reconsideration and allowance.

### **35 U.S.C. §102 Rejections**

Claims 10-11 and 13 are rejected under 35 U.S.C. §102(a) as being anticipated by Wu et al. (U.S. Patent No. 6,617,011). Claim 10 has been amended to require that the lubricant be a perfluoropolyether tetraacrylate having a molecular weight between 2000 and 3000. The Examiner stated in his office action that while perfluoropolyether tetraacrylates are known, that no motivation for selection of the claimed tetraacrylate in claim 12 exists in the prior art. Applicant believes that in fact that no motivation for selection of any perfluoropolyether tetraacrylate lubricant having a molecular weight of between 2000 and 3000 exists in the reference. Wu et al. never specifically discloses perfluoropolyether tetraacrylates, or any motivation for selection of a perfluoropolyether tetraacrylate lubricant for a magnetic recording medium. It is therefore believed that the new scope of claim 10 would be allowable.

Applicant therefore respectfully requests that the rejection under 35 U.S.C. §102(a) be withdrawn.

### **35 U.S.C. §103 Rejections**

Claim 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wu et al. (U.S. Patent No. 6,617,011) in view of Murakami et al. (U.S. 2004/0057343). Claim 6 has been amended to require that the lubricant be a perfluoropolyether tetraacrylate lubricant having a molecular weight of between 2000 and 3000. As Applicant has discussed above, Wu et al. does not disclose perfluoropolyether tetraacrylates, or any motivation for selection of a perfluoropolyether tetraacrylate lubricant for a magnetic recording medium nor an optical recording medium. Murakami et al. discloses magnetic and optical recording layers, but adds nothing to the lubricant

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disclosure. Applicant therefore submits that neither reference teaches or suggests the selection of such a perfluoropolyether tetraacrylate having a molecular weight of between 2000 and 3000 as a lubricant.

Applicant therefore respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

**Claim Objections**

Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 and 12 have been so rewritten. Applicant therefore respectfully requests that the objection be withdrawn.


**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 6, 7, 9, 10, 12 and 13 are in form for allowance and are not taught or suggested by the cited references. Claims 9 and 12 have been rewritten as the Examiner requested. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 6, 7, 9, 10, 12 and 13 is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Account No. 09-0069. The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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